

MAYOR AND COUNCIL OF HURLOCK

MINUTES

Regular Meeting – January 24, 2011

The Mayor and Council of Hurlock met in Regular Session at the Town Hall on Monday, January 24, 2011 at 6:00 P.M. with Mayor Joyce Spratt, and Council Members Cephas, Nordstrom, Adams, Durham, Henry, Town Attorney Hugh Carter Vinson, Clerk/Treasurer Kathleen Clough, and Chief Hutton in attendance.

Mayor's Report

Mayor Spratt thanked everyone for coming out and donating money for a local young woman who is a victim of violent domestic abuse at the hands of her boyfriend, who nearly killed her, saying "We are just very appreciative of all the money, thoughts and prayers."

Mayor Spratt explained that upon her election, her hope was to bring racial diversity to the leadership positions in the Town of Hurlock, starting with her hiring of the first African-American Police Chief in Hurlock. The Mayor supported the hiring of another African American officer and paying for his training and tuition at the Police Academy. The Mayor stated that this was an important investment in building a cohesive community in Hurlock, even though the budget was very strained. The Town spent over \$30,000 to test, train, certify, outfit, pay the young man's salary and benefits while he was still in school at the Police Academy, and unable to actually serve the Town for many months. The former Chief did not have him sign the required two year contract, and, according to the young man, advised against it. While in the early part of his training that the taxpayers of Hurlock were paying for, this officer applied for a job in a neighboring Town, and was hired while he was still in school. He planned to start just weeks after graduating and gave no notice to the new Police Chief of Hurlock. Because the former chief did not have him sign the required contract, the Town has no recourse to recover the \$30,000 invested, and has been left short on police protection, causing the Town to have to pay more overtime.

Mayor Spratt reported that due to the lawsuit brought against former Councilman William Mills by a fellow Councilman that was dismissed in 2010, the Town's Insurance rate for Professional Liability increased by 19%.

Mayor Spratt stated that every other line of coverage has decreased due to improved risk management practices implemented during the past year.

Mayor Spratt reported that the Town incurred \$25,000 in legal expenses for Monroe Quailes', Director of the Ministers and Citizens Group, attempt to interfere in Town Personnel Business in the matter of Ronald Small's public resignation. The Judge awarded Summary Judgment, stating that the Ministers and Citizens Group have no standing, no merit, no foundation, and no licensed lawyer. However, the Town still must pay to defend itself against false charges.

(Summary judgment is awarded if the undisputed facts and the law make it clear that it would be impossible for one party to prevail if the matter were to proceed to trial.)

In the matter of a former police chief, so far, the Town has incurred tens of thousands of dollars in legal expenses to defend the Town for his claim of wrongful termination.

Because of these lawsuits, the Mayor stated that the Town's budget is strained and further cuts will have to be made to keep it balanced and to avoid layoffs and further cuts in benefits for employees.

The Mayor stated that as she prepares the 2011-2012 Budget, she is recommending that the Council consider if current benefits for Council members are appropriate and how they might be amended.

To inform the Council of current compensatory benefits for Council Members, Mayor Spratt reported the following:

Cost of Council Insurance: \$18,916.00 per Council member per year for family health and prescription coverage. Dental and vision coverage are an additional expense.

If every council member elects coverage, cost to Town taxpayers is \$94,580 per year. The Town of Hurlock Charter provides lifetime coverage for Council Member, Spouse and Minor Children after four terms; 75% lifetime coverage after three terms and 50% after two terms. Coverage provides, health, dental, prescription and vision. In contrast, Salisbury is now requiring Council members to contribute what the employees contribute – which is 90%. Premiums increased 27% in 2010, and will continue to increase as the Town must pay these benefits into the future.

Mayor Spratt also asked the Council to analyze the separation of salary and expense money. In 1996, the Council salary was increased from \$4,000.00 with no extra expense money, to \$8,000.00 per year with \$2,000 per year in expense money.

In 2001-2002 the Council voted to increase expense money to \$6,200 and combined it with the \$8,000 salary, making it a supplemental salary.

Mayor Spratt recommended that if the Council chooses not to move to a reimbursement policy, then all of their expenses for MML and other conferences be paid with their monthly check.

Mayor Spratt acknowledged that these are difficult decisions for the Council to make, but that in this time of serious austerity for all of the taxpayers of Hurlock, as Town leaders it is the Mayor and Council's responsibility to be careful stewards of the people's money.

Approval of Agenda

Council Member Durham requested the agenda be amended to include under Old Business an item that was tabled during the previous meeting, that being discussion of an annual election of a Council President to follow the County's practice.

THE COUNCIL, UPON MOTION MADE BY COUNCIL MEMBER NORDSTROM, AND SECONDED BY COUNCIL MEMBER HENRY, MOVED to accept this change to the Agenda. The Motion passed.

Reports

Police Chief Les Hutton stated all is quiet.

Code Enforcer John Avery reported that there are a couple of properties that are getting cleaned up –making progress.

Town Clerk/Treasurer gave a detailed report regarding costs for the Town and discussed issues looking forward with rising costs due to the depressed economy.

Dorchester County Council Member Rick Price stated they have passed items for Tech Park on Brick Town Road for uses of parcels for developers which will bring jobs to the area. He stated this is due for completion by 2011.

Dorchester County Council Member Rick Price also reported there will be a Budget Workshop and the Council recommends that individuals that live on the outlying areas of the County come out and make their thoughts known to the Council.

Mayor Spratt read a letter from State Highway Administration in regard to the four-way stop on Main Street.

Dorchester County Council Member Rick Price stated that he will be glad to advocate for whatever position the Town wishes to take.

Mayor Spratt reported that the Hurlock Volunteer Fire Company is asking the Council to commit to \$60,000 annually from the Town until 2016 to help defray the cost of the purchase of rebuilt fire truck from DNR, with 33,000 miles at a cost of \$250,000. The Mayor and Council have budgeted this amount of money to help with payments on fire equipment through 2012. This request extends the appropriation commitment for another four years.

THE COUNCIL, UPON MOTION MADE BY COUNCIL MEMBER HENRY, AND SECONDED BY COUNCIL MEMBER NORDSTROM, MOVED to commit to continue appropriating \$60,000 annually to the Hurlock Volunteer Fire Company until the year 2016.

During the Discussion, Council Member Cephas stated that the HVFC is looking for a commitment, but “what happens if economically we cannot fulfill that promise?”

The Council voted four to one to approve the extension of the annual appropriation of \$60,000 to the Hurlock Volunteer Fire Company through the Year 2016.

Roll Call Vote

Council Member:

Parker Durham	Aye
Charles Cephas	Nay
Michael Nordstrom	Aye
Christopher Adams	Aye
Michael Henry	Aye

OLD BUSINESS

- A. Second Reading: Town of Hurlock, Maryland, Flood Plain Management Ordinance (Non-Tidal).

Code Enforcement Officer John Avery discussed the FEMA and MDE mandate to adopt the Flood Plain Management Ordinance.

THE COUNCIL, UPON MOTION MADE BY COUNCIL MEMBER NORDSTROM, AND SECONDED BY COUNCIL MEMBER HENRY, MOVED to pass the ordinance. MOTION PASSED unanimously.

- B. Tabled Motion to Elect a New Council President Each Year.

Mayor Spratt addressed the December 13th Motion made by **Councilman Parker Durham** to annually elected the Council President in the month of December.

Council Member Cephas stated "we rush to judgment and this requires due diligence."

Council Member Adams asked what the purpose was in electing a new president each year. **Council Member Durham** explained that it would bring the Town Council in line with the practice of the County.

Council Member Cephas said it should be done in a correct manner; that Council Member Adams is the Council Member at Large and he should hold the position if there was to be a change.

Town Attorney Hugh Vinson reviewed the Charter Amendment 1990-1. Section 301. Selection and Term, determining that no new amendment was needed, as the Charter states only that the Council shall elect a President to preside at meetings when the Mayor is absent; it does not specify when or for how long.

THE COUNCIL, UPON MOTION MADE BY COUNCIL MEMBER NORDSTROM, AND SECONDED BY COUNCIL MEMBER HENRY, MOVED to adopt this practice.

Roll Call Vote

Council Member:

Parker Durham Aye

Charles Cephas Nay

Michael Nordstrom Aye

Christopher Adams Nay

Michael Henry Aye

The MOTION to elect a new council president each year as is done at the County level PASSED with a vote of three to two.

NEW BUSINESS

- A. Mr. Cedric Turner announced the Ministers and Citizens Festival and Parade will be held on Saturday May 14, 2011 at 10:00 A.M. and the rain date is

May 21, 2011. Mr. Cedric Turner invited the Mayor and Council to participate in the event.

- B. **Council Member Nordstrom** introduced an amendment to the handbook to wit; ***Town elected officials shall qualify for insurance at their own expense.*** THE COUNCIL, UPON **MOTION MADE BY COUNCIL MEMBER NORDSTROM, AND SECONDED COUNCIL MEMBER DURHAM**, MOVED to accept this amendment to the handbook.

Council Member Cephas stated the Council has to be able to look at all agendas and smokescreens and moving forward without deliberation runs the risk of “doing the wrong thing to their own selves.” Council Member Cephas stated that he opposed the motion vigorously until the Council could brainstorm.

Council Member Nordstrom stated “we are elected officials not employees; the Council needs to save money and make things more affordable for everyone.” He further stated that he did not think the Town should pay for the Council’s insurance, and “paying it for life is really extreme.”

Council Member Cephas stated “we must not rush to judgment; we have to hash it out among ourselves - majority rules.”

Council Member Adams stated that he had very good insurance. Now he has “switched to the Town’s insurance and it’s a joke.”

THE COUNCIL, UPON MOTION MADE BY COUNCIL MEMBER CEPHAS, AND SECONDED BY COUNCIL MEMBER ADAMS, MOVED to Table the Discussion of amending the Handbook regarding Council Insurance Coverage.

Roll Call Vote

Council Member:

Parker Durham Nay

Charles Cephas Aye

Michael Nordstrom Nay

Christopher Adams Aye

Michael Henry Aye

By a vote of three to two, The Issue of Health Coverage for Council Members was tabled until the next meeting.

COUNCIL REMARKS

Councilman Adams expressed that everyone should be above board with each other; he stated that he did not believe a Motion to vote on the issue of insurance coverage for Council members should come before the Council in Open Session before it has been discussed beforehand, and he did not think a Councilman discussing a matter privately with the Town Attorney was permissible.

Council Member Cephas stated that he noted Council sets its own rules and two minutes to address the public is not enough time. **Council Member Cephas** called for Council to give back 100% benefits to employees. "The Town employees are the lowest paid on the Shore, they have families to support." He believes they should have access to police cars, stating it is a matter of Public Safety.

Council Member Durham stated that he appreciated everyone coming out tonight and stated that he thought we need a new 4-way light, but if all we can get is a 4-way stop, that is a start.

Council Member Henry announced Little League sign-ups at the Fire House this weekend 9- 12, then Wednesday and the following Saturday. He asked all to please encourage children to get out there and sign up. They have excellent people, coaches and umpires. They need volunteers for concession and other jobs as well.

Council Member Henry stated he would like to talk about term limits.

Planning and Zoning John Avery reported that DPW a week ago Sunday dropped the water pressure due to a break in a water main. The problem was fixed by 2:00 P.M. but we had to reduce pressure, losing some water service.

Council Member Cephas thanked Mr. Avery for his work on Sunday.

Council Member Durham addressed remarks made regarding the Sunshine Law, and stated that this Council is very aware that no more than two members can discuss matters without it constituting a "meeting." He stated that he himself has stood out in the parking lot before meetings to avoid even the appearance of being with two other council members. However, he said that he has spoken to other Council Members individually and will continue to do that.

Council Member Durham stated further that "I see being a councilman as a civic duty. My compensation package is excessive and no one in my district should be burdened with my healthcare. I think we should also look at salaries."

Council Member Nordstrom stated that two council members talking together is not a meeting, nor is a council member speaking with the Town attorney on the legal technicalities of a proposed amendment a meeting.

Council Member Nordstrom said that he thinks that it is "at this table is where we should start saving the people's money."

Mr. David Wands stated the Town has a water main running up Main Street. If it breaks at the railroad, the North end of Town will lose water.

Mayor Spratt stated that Public Works would be there within minutes.

Meeting adjourned at 7:30 P.M.

Respectfully submitted,

Bobbi Jo Bell
Office Clerk

Kathleen Clough
Clerk/Treasurer